

**REMARKS**

Claims 1-6, 8-15, 17-18, 27-32 and 34-36 are pending in this application. By this Amendment, claims 1, 8, 10, 17, 27, 34 and 36 are amended, and claims 7, 16 and 33 are cancelled. No new matter is added.

**I. The Claims Are Patentable Over The Applied References**

The Office Action (1) rejects claims 1, 3-4, 6, 10, 12-13, 15, 27, 29-30, 32 and 36 under 35 U.S.C. §103(a) over U.S. Patent Publication No. 2002/0027603 to Kuwata et al. (Kuwata) in view of U.S. Patent No. 6,754,382 to Borg; (2) rejects claims 1, 7-8, 10, 16-17, 27, 33-34 and 36 under 35 U.S.C. §102(e)<sup>1</sup> over U.S. Patent No. 6,980,325 to Sugiura et al. (Sugiura) in view of Kuwata, and further in view of Borg; and (3) rejects claims 2, 5, 9, 11, 14, 18, 28, 31 and 35 under 35 U.S.C. §103(a) over Kuwata in view of Borg, and further in view of U.S. Patent No. 7,110,143 to Bares et al. (Bares). Applicants respectfully traverse the rejections.

By this Amendment, claims 1, 10, 27 and 36 are amended to include the features of dependent claims 7, 16, 33 and 33, respectively. Claims 8, 17 and 34 are amended to depend from their independent, base claims.

Regarding independent claims 1, 10, 27 and 36, the applied references fail to disclose or suggest all of the claimed features because (1) the sections cited in Sugiura relate to two separate apparatus that one of ordinary skill in the art would not have combined as proposed by the Office Action; and (2) even if the applied apparatus are combined as proposed, the proposed combination fails to disclose all the features of the claims.

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<sup>1</sup> 35 U.S.C. §102(e) is not a basis for an obviousness rejection. Applicants respond based on the assumption that the rejection was intended to be under 35 U.S.C. §103(a). If Applicants' understanding is incorrect, the rejection should be withdrawn as improper.

Regarding independent claims 1, 10, 27 and 36, the Office Action relies on two separate, independent apparatus discussed in the Background section of Sugiura: (a) the system of Fig. 1 (the Office Action cites to col. 1, lines 56-67 and col. 2, lines 8-15); and (b) the Mitsubishi Denki monitor, model LXA580W (the Office Action cites to col. 2, lines 29-49). However, the Office Action provides no explanation of why one of ordinary skill in the art would have combined these separate, independent apparatus. Thus, as described more fully below, a *prima facie* obviousness rejection has not been made and the rejection is improper.

Regarding the system of Fig. 1, Sugiura discloses color space (CS) translation of image files. In operation, an image data source 108 provides image data on signal line 110 in a first color space CS1 and tag data on signal line 112 representing parameters of the first color space CS1 (col. 1, lines 57-59). CPU 102 translates the image data on signal line 110 from color space CS1 into image data on signal line 114 in color space CS2 (Fig. 1; col. 1, lines 56-64). This conversion is accomplished automatically (col. 1, line 62).

Regarding the Mitsubishi Denki monitor, model LXA580W, Sugiura states that the monitor implements non-automatic color conversion by converting input image data from a selected one of a plurality of color spaces into the color space of the monitor (col. 2, lines 29-36). By switching which one of the plurality of color spaces is selected, a user can optimize the appearance of the displayed image (col. 2, lines 37-49).

Because the Mitsubishi Denki monitor, as disclosed by Sugiura, and Fig. 1 of Sugiura are two separate apparatus, the Office Action is required to establish a *prima facie* case of obviousness for combining the teachings, which the Office Action has not done. Further, because the Sugiura system of Fig. 1 accomplishes color space conversion based on the tag information provided by image source 108, one of ordinary skill would not have been motivated to add the system of the Mitsubishi Denki monitor to the system of Sugiura Fig. 1

because the Mitsubishi Denki monitor requires user interaction to choose which color space conversion is required, which would be superfluous functionality in the system of Fig. 1 because the tag data that indicates the color space of the image data in color space CS1 is already present. For these reasons, the rejection over Sugiura is improper and should be withdrawn.

However, even if the teachings of Sugiura, Kuwata, and Borg are combined as proposed, the proposed combination fails to disclose: (A) "inferring means for determining the color space of the image data that is to be processed based on characteristics of the image when the determining means determines that the image data does not include color space information identifying the color space" (claim 1) or an apparatus or method that "determines a color space of the image data that is to be processed based on characteristics of the image data when the controller determines that the image data does not include color space information identifying the color space of the image data" (claim 10 and similarly recited in claims 27 and 36); and (B) the structure or corresponding steps for "(1) perform[ing] conversion processing into another color space on data generated on the basis of the image data while assuming that the color space of the image data is a color space indicated by each of plural preset items of color space candidate information, to thereby obtain plural conversion processing results corresponding to the respective items of color space candidate information; (2) present[ing] the plural conversion processing results to a user; (3) receive[ing] a manipulation of the user of selecting one of the plural conversion processing results; and (4) determine[ing] the color space of the image data to be a color space indicated by color space candidate information that corresponds to the conversion processing result selected by the manipulation of the user."

Sugiura fails to disclose these features because, as disclosed in relation to the Mitsubishi Denki monitor, a user selects which color space is to be used as the color space of

input image data when the actual image data does not define the color space (Sugiura, col. 2, lines 37-42). Thus, if the user selects which color space to use, there is no inferring means or step of determining the color space of the image data that is to be processed based on characteristics of the image data as recited in feature (A) above or performing color conversion based on such a determined/inferred color space and presenting plural candidate results to a user for selection as recited in feature (B) above. The Office Action acknowledges that Sugimura fails to disclose these features, but alleges that Kuwata and Borg cure these deficiencies.

Kuwata discloses an apparatus for image adjustment. A digital still camera (DSC) 12 generates an image file 100 (Fig. 1; paragraph [0062]) in the RGB color space (paragraph [0064]), and converts image file 100 into the YCrCb color space for storage (paragraph [0064]). The image file 100 is generally stored in the Exif format with image processing control information GI (paragraph [0065]). The color printer 20 outputs the image file 100 (Fig. 1). Color printer 20 includes control circuit 30 that reads image file 100 and analyzes the image processing control information GI (paragraphs [0078] and [0081]). A CPU 31 receives the image processing control information GI and extracts a color space tag indicating a color space to be implemented (paragraph [0081]; Fig. 6, step S130). The paragraphs [0083]-[0086] cited by the Office Action describe generation of the image file 100 in the color space indicated.

Borg discloses identifying an unknown color space from a color specification. The color specification defines a transformation from the unknown color space into a well-known color space (Abstract). This is done by using test color spaces and test colors for which the definitions in both the test color spaces and well-known color space are known. In operation, a color specification defining the transformation from an unknown color space to a well-known color space is received (Fig. 1, step 102). Then a set of test colors whose definitions

are known in the well-known color space are selected (Fig. 1, step 103). A test color space is selected (Fig. 1, step 104) and the test colors are represented in the test color space (Fig. 1, step 106). The test colors are transformed using the color specification (Fig. 1, step 107) onto the well-known color space and the results are compared against the known values of the test colors in the well-known color space (Fig. 1, step 108). If the transformed values of the test colors match the known values for the test colors in the well-known color space, that unknown color space is determined to be the test color space (Fig. 1, step 112).

The proposed combination cannot disclose or suggest all of the claimed features. On the one hand, the two apparatus disclosed in Sugiura, discussed above, even if taken together, fail to disclose all the features of the independent claims as acknowledged by the Office Action.

On the other hand, however, if the two apparatus disclosures of Sugiura are modified in view of Kuwata and Borg, both of which are cited for disclosing the determination of a color space of input image data from characteristics of the input image data, then the resulting combination would not include the interaction of the user to determine the best color space for the input image data as in the Mitsubishi Denki monitor, because this functionality would be replaced by the determination elements of Kuwata and/or Borg. Thus, the features of "(2) presents the plural conversion processing results to a user; (3) receives a manipulation of the user of selecting one of the plural conversion processing results; and (4) determines the color space of the image data to be a color space indicated by color space candidate information that corresponds to the conversion processing result selected by the manipulation of the user", recited in the independent claims, are not taught or suggested by the proposed combination of Sugiura, Kuwata, and Borg.

For the foregoing reasons, Applicants request withdrawal of the rejections.

**II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Request for Continued Examination

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